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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,767	11/20/2001	Teruo Takanashi	1982-0173P	9109
2292	7590	02/22/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DIEP, NHON THANH	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 02/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,767

Applicant(s)

TAKANASHI, TERUO

Examiner

Nhon T Diep

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/2001</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-7, 9-10, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo et al (US 6,525,764).

Kondo et al discloses an image read method for performing image signal processes comprising the same image position confirming device comprising: a pick-up sensor which picks-up a region within a predetermined pick-up range including a predetermined position at which an image, which is recorded on an original, is to be registered (fig. 1, el. 104, col. 2, ln. 30-34), a display section for displaying an image (col. 3, ln. 7-9), and a display control section for, when the image recorded on the original is to be registered at the predetermined position, displaying, as a dynamic image, on the display section accordance with a dynamic image display mode selected from among plural types of dynamic image display modes which are readied in advance, results of pick-up which are obtained by the pick-up sensor picking up the region within the predetermined pick-up range (fig. 23, el. S2101-S2102, S2101-S2103-S2105-S2106 and col. 3, ln. 7-9) as specified in claims 1, 9-10; wherein the plural types

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of dynamic image display modes include a high speed display mode which displays the results of pick-up as a dynamic image which follows, at high speed, changes in a state of the region within the predetermined pick-up range, and a highly-detailed display mode which displays the results of pick-up as a dynamic image which shows in great detail a state of the region within the predetermined pick-up range (col. 10, ln. 16-21) as specified in claim 2; further comprising a manual selecting section for manually selecting a dynamic image display mode used in display of the results of pick-up by the pick-up sensor; further comprising an automatic selecting section for, in accordance with a moving state of the original, automatically selecting a dynamic image display mode used in display of the results of pick-up by the pick-up sensor (col. 3, ln. 7-9 and col. 13, ln. 6-55) as specified in claims 5-6 and 13 and 16; further comprising a detecting section for detecting the moving state of the original by carrying out a predetermined computation by using the results of pick-up by the pick-up sensor wherein the automatic selecting section recognizes the moving state of the original on the basis of results of detection by the detecting section (col. 15, ln. 25-37) as specified in claim 7.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3-4, 8, 11-12, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Edgar (US 6,380,539).

As applied to claims 1 and 2 above, it is noted that Kondo et al further discloses in fig. 3, each pixel of the first pixel group is arranged in a predetermined interval and each pixel of the second pixel group arranged in a predetermined interval; wherein each pixel of the first pixel group and each pixel of the second pixel group are arranged mutually, however, Kondo et al does not particularly that the pick-up sensor outputs the results of pick-up at a predetermined period, and the high speed display mode is a display mode which displays the results of pick-up as a dynamic image by displaying an image which shows the results of pick-up by using, in data expressing the results of pick-up, only data of one pixel group among a first pixel group and a second pixel group which are determined such that pixels forming each pixel group are substantially uniformly distributed in the region within the pick-up range, and by updating display of the image at the predetermined period, and the highly- detailed display mode is displays the results of pick-up as a dynamic image by displaying the results of pick-up by using both data of the first pixel group and data of the second pixel group, and by alternately updating, at the predetermined period, between display corresponding to the first pixel group and display corresponding to the second pixel group; as specified in claims 3, 11-12; and wherein the plural types of dynamic image display modes include a monochrome display mode which displays the results of pick-up as a monochromatic dynamic image, and a color display mode which displays the results of pick-up as a color dynamic image as specified in claims 4 and 15; wherein when the moving state of

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the original is a state in which a moving speed is greater than or equal to a predetermined value, the automatic selecting section selects, as the dynamic image display mode used in display of the results of pick-up, one of a high speed display mode which displays the results of pick-up as a dynamic image which follows, at high speed, changes in a state of the region within the pick-up range, and a monochrome display mode which displays the results of pick-up as a monochromatic dynamic image, and when the moving state of the original is a state in which the moving speed is less than the predetermined value, the automatic selecting section selects, as dynamic image display mode used in display of the results of pick-up, one of a highly-detailed display mode which displays the results of pick-up as a dynamic image showing in great detail a state of the region within the pick-up range, and a color display mode which displays the results of pick-up as a color dynamic image as specified in claims 8 and 17. Edgar teaches that "scanners that only sense a single specific color from each specific pixel, such as those employing a color filter matrix, produce only one-third as much raw data as a scanner that senses all three colors from each pixel, and therefore such scanners employ a form of data compression." (col. 3, ln. 20-27). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Kondo et al by scanning only one specific color for the preview and as a direct results, it will display monochromatic dynamic images. Doing so would help to reduce the raw data and to increase the scanning speed.

With regard to claims 8 and 17: It is as a direct results, when a scanner only scans one group of pixels, it is recognized as a high speed and lower resolution or

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preview images and those images are to be displayed versus a low speed and higher resolution when the scanner scans all three groups of pixels or main images and those images are to be displayed as high detailed images.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Nishio (US 5,991,101) discloses an image reading apparatus.
- b. Sato et al (US 6,100,960) discloses a film scanner.
- c. Philbrick (US 6,462,779) discloses a constant speed, variable resolution two-phase CCD.
- d. Sugishima (US 5,786,516) discloses a network management apparatus and control method thereof.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND  
15 Feb 2005



**NHON DIEP**  
**PRIMARY EXAMINER**